

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTOINE M. BLACK,	:	CIVIL ACTION NO. 1:11-CV-1912
	:	
Plaintiff,	:	(Chief Judge Conner)
	:	
v.	:	
	:	
THE CITY OF HARRISBURG, PENNSYLVANIA, by the HARRISBURG CITY POLICE DEPARTMENT, and DETECTIVE DONALD HEFFNER including UNKNOWN POLICE OFFICERS,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 12th day of December, 2013, upon consideration of the motion to dismiss (Doc. 15) by defendants City of Harrisburg, on behalf of the Harrisburg City Police Department, and Detective Donald Heffner, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion to dismiss (Doc. 15) is GRANTED with prejudice with respect to Counts I and II of the complaint (Doc. 1) against the City of Harrisburg, by and through the Harrisburg City Police Department.
2. Defendants' motion to dismiss (Doc. 15) is GRANTED without prejudice with respect to plaintiff's procedural due process claim under the Fourteenth Amendment against Detective Heffner, but with prejudice to the remaining claims against Detective Heffner under Counts I and II of the complaint (Doc. 1).

3. Within twenty (20) days from the date of this order, plaintiff Antoine M. Black, may file an amended complaint to restate his claim, if any, for a violation of procedural due process. Failure to file an amended complaint within twenty (20) days shall be deemed an abandonment of this action and the Clerk of Court shall be directed to close the case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania